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DEC 19 2001

OFFICE OF PETITIONS

In re Application of
Edward W. Knowlton
Application No. 08/635,202
Filed: April 17, 1996
Attorney Docket No. 16904-705

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 18, 2001, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to submit the issue fee and formal drawings in a timely manner in reply to the Notice of Allowance mailed September 29, 1997, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on December 30, 1997.

A grantable petition under 37 CFR 1.137(b)¹ must be accompanied by: (1) the required reply,² unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1) and (2).

The \$620 small entity issue fee has not been received. There is no indication that corrected formal drawings as required by the Notice of Allowability of September 29, 1997 have been submitted. The \$620 petition to revive under the unintentional standard of 37 CFR 1.137(b) fee has not been received. Accordingly, a consideration on the merits of the present petition cannot be made until the total amount of \$1240 (\$620 petition fee and \$620 Issue Fee) deficiencies are submitted to the Office with the corrected formal drawings.

Further correspondence with respect to this matter should be addressed as follows:

By mail: U.S. Patent and Trademark Office
 Box DAC
 P.O. Box 2327
 Arlington, VA 22202

By hand: Office of Petitions
 2201 South Clark Place
 Crystal Plaza 4, Suite 3C23
 Arlington, VA 22202

¹ As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

² In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

A handwritten signature in cursive script, appearing to read "Irvin Dingle", is positioned above the printed name.

Irvin Dingle

Petitions Examiner

Office of Petitions

Office of the Deputy Commissioner
for Patent Examination Policy